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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Robert C. Frame

Serial No.: 09/096,684

Filed: June 12, 1998

For: PORTABLE COMPUTER SYSTEM

§ Group Art Unit: 2673
§
§
§ Examiner: Lao, L.
§
§
§ Atty Docket: COMP:0060/FLE
§ PD-25744
§

Assistant Commissioner
for Patents
Washington, D.C. 20231

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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:	
March 4, 2002	<i>Carla Deblaw</i>
Date	Carla Deblaw

Sir:

APPELLANT'S REPLY BRIEF PURSUANT TO 37 C.F.R. § 1.193

This Reply Brief is being filed in response to the Examiner's Answer, which was mailed on January 3, 2002.

The Appellant has carefully studied the Examiner's Answer and respectfully submits that the Examiner has failed to make a persuasive case that the claims of the present application are invalid under 35 U.S.C. § 103.

Specifically, the Appellant continues to respectfully assert that the Examiner has failed to establish a *prima facie* case of obviousness in view of the Kikinis, Goodrich and Swafford references, because the Examiner has not properly demonstrated a suggestion that would have motivated one skilled in the art to modify the teachings of the references to obtain the claimed


invention. Instead, the Examiner has relied on improper hindsight to construct the rejections of the Appellant's claims.

Furthermore, the references cited by the Examiner do not render the Appellant's claims invalid even if the combination of references is proper. In the present case, modification of the cited references as suggested by the Examiner would destroy the intended purpose or function of the cited reference. Because functionality would be destroyed, such a modification could only be viewed as *undesirable*. Accordingly, the rejections of the Appellant's claims should not be allowed to stand. The Appellant respectfully requests favorable consideration by the Board in view of the remarks set forth below.

In accordance with 37 C.F.R. § 1.136, Appellant requests that this and any future reply requiring an extension of time be treated according to the General Authorization For Extensions Of Time previously submitted.

Respectfully submitted,

Date: March 4, 2002


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